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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/582,753 | 06/14/2006 | Sten Drennow | HW-8195 | 1465 |
| 26294 7590 09/21/2009 TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVELAND, OH 44114 | | | | |
| EXAMINER | | | | |
| JACYNIA J CASIMER | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 3754 | | | | |
| MAIL DATE | | DELIVERY MODE | | |
| 09/21/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/582,753

Applicant(s)

DRENNOW, STEN

Examiner

J. Casimer Jacyna

Art Unit

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1415 or PTO/SB/OC)
Paper No(s)/Mail Date 06/14/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

1. The disclosure is objected to because of the following informalities: The specification lacks the headings noted in MPEP 608.01(a).

Appropriate correction is required.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the phrase "preferably", regarding claim 11, the phrase "or similar such that", and regarding claims 21 and 22, the phrase "e.g.", renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). In regard to claim 15, there is no antecedent basis for "the sleeve" in parent claim 1. The antecedent is in claim 14. In regard to claims 16, 19 and 20, the term "or similar" is objected to because it is an open ended range that claims an indefinite number of unknown alternatives.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 10-15, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Arpin 2,435,527. Arpin discloses a dispensing device for a liquid including a pump means 19, a suction chamber adjacent 34, a discharge chamber

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adjacent 17, an open ended transfer chamber as claimed 20 wherein when the trigger 23 is squeezed the pump will simultaneously push liquid out of the discharge chamber through 17 and suck liquid into the suction chamber through 34 and on the return stroke shown in figure 2 liquid is fed from the suction chamber through the transfer chamber 20 and into the discharge chamber as claimed. In regard to claims 10-13, Arpin discloses first and second handle members, 33, 15, 23, with a first shank adjacent 32 and a second shank 23. In regard to claim 14, the pump means 19 is a piston means that extends into a sleeve 16 as claimed. In regard to claim 15, element 20 also functions as a sealing means. In regard to claim 17, it is possible to limit or adjust the dispensed volume by replacing 21 with different length rods. In regard to claim 20, inlet conduit 34 is similar to a hose as claimed.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arpin 2,435,527 in view of Zeitlin 2002/0125271. Arpin discloses a dispensing device including a second non-return valve on the transfer chamber 19a and a discharge pipe 17 (claim 16) substantially as claimed but does not disclose a first non-return valve on the inlet opening 34, nor a third non-return valve (claim 16). However, Zeitlin teaches another dispensing device with a liquid piston pump having an inlet check valve 29 and a third non-return valve 46 for the purpose of preventing back flow from the suction

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chamber and dripping from the outlet. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the device of Arpin with an inlet check valve as, for example, taught by Zeittin in order to prevent back flow from the suction chamber and dripping from the outlet.

8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arpin 2,435,527. The device of Arpin is capable of dispensing other liquids as claimed if a user desired to place other liquids within the Arpin device.

9. Claims 3-9, 18, 19 and 21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Casimer Jacyna whose telephone number is 571-272-4889. The examiner can normally be reached on Mon. thru Fri. 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. Casimer Jacyna/
Primary Examiner, Art Unit 3754